

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RAYMOND P. ROSE,)	
)	
Petitioner,)	
)	
vs.)	Civil Action No. 09-217E
)	Magistrate Judge Maureen P. Kelly
JAMES McGRADY; THE DISTRICT)	
ATTORNEY OF THE COUNTY OF ERIE;)	
and THE ATTORNEY GENERAL OF)	
THE STATE OF PENNSYLVANIA,)	
)	
Respondents.)	

ORDER

AND NOW, this 16th day of April 2012, the Petition for Writ of Habeas Corpus is hereby **DENIED** and a Certificate of Appealability is likewise **DENIED**.

Petitioner is advised that he has the right for thirty (30) days to file a notice of appeal from our order denying his petition, see 28 U.S.C. § 2253(a); Fed. R.App. P. 4(a)(1)(A), and that our denial of a certificate of appealability does not prevent him from doing so, as long as he also seeks a certificate of appealability from the court of appeals. See Federal Rule of Appellate Procedure 22(b)(1).

BY THE COURT

s/Maureen P. Kelly
MAUREEN P. KELLY
U.S. MAGISTRATE JUDGE

Dated: April 16, 2012

cc: RAYMOND P. ROSE
GD-3022
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All Counsel of Record via CM-ECF